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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/762,423	02/06/2001	Christian Prehofer	P01,0024	4079

7590

07/26/2004

Brett C. Martin  
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EXAMINER

NGUYEN, ALAN V

ART UNIT PAPER NUMBER

2662

DATE MAILED: 07/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/762,423

Applicant(s)

PREHOFER, CHRISTIAN

Examiner

Alan Nguyen

Art Unit

2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

References to hyperlinks were made on **page 2**, lines 9 and 22, **page 3** on line 8, and **page 4** on line 7. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Spell et al (US 6,208,640) hereafter Spell.

Regarding **claim 1** Spell discloses a method for controlling an offering of at least one additional transmission channel as access to a packet-switching network on which information in the form of data or voice can be transmitted within a line-switching network between an access node (**router 116, decision system 314; figure 3**) connected to the packet-switching network and at least one subscriber terminal device

Art Unit: 2662

**(client 114)** or at least one private branch exchange for the connection of subscriber terminal devices **(the embodiment of the reference is to control the utilization of transmission channels. The transmission channels are ISDN B channels, which are added or taken away based on bandwidth needs. The use of ISDN signifies a communication between a packet network and a voice network; for example, see col 5 lines 36-63)**, the method comprising the steps of:

Spell discloses forwarding, by the access node, information incoming from the line-switching network in a direction toward at least one destination node of the packet switching network **(client 114 sends a session request to server 112, where the request is forwarded to server 112 by router/decision system 116);**

Spell discloses communicating, by the access node, information about transmission channels contained in data packets coming from at least one originating node to at least one subscriber terminal device or private branch exchange in a form adapted to line switching **(decision system 314 observes the data streams in transit between server 112 and client 114. The decision system 314 observes the stream and uses it as information to determine which transmission channels are to be used; see col 7 lines 1-35 and col 2 lines 1-10);**

Spell discloses recognizing, by the access node, data packets separately identified with a traffic information among incoming data packets **(decision system 314 identifies data streams between client 114 and server 112 and makes decisions based on information regarding the stream; see col 7 lines 1-17);** and

Spell discloses initiating, by the access node, according to traffic information, the offering of at least one additional transmission channel for connecting with at least one existing transmission channel to form a common transmission link between the access node and at least one subscriber terminal device or private branch exchange **(decision system 314 identifies characteristics of a stream used to make a decision of when to add or when to close ISDN channels; col 7 lines 18-32).**

Regarding **claim 2** Spell discloses further comprising the step of: producing, by the access node, a release of the at least one additionally offered transmission channel after recognizing an incoming data packet separately identified with a disconnect information **(decision system 314 extracts information from data streams between client-server to be used in making decisions on when to add or close channels. The data stream is seen as information that identifies when the transmission channel needs to be discontinued; col 7 lines 18-31).**

Regarding **claim 3** Spell discloses further comprising the step of: providing, by the access node, for a release of the at least one additionally offered transmission channel when no data packets separately identified with a traffic information are received and recognized in the access node within a defined time duration **(decision system 314 extracts information from data streams between client-server to be used in making decisions on when to add or close channels. The data stream is seen as**

Art Unit: 2662

**information that identifies when the transmission channel needs to be discontinued; col 7 lines 18-31).**

Regarding **claim 4** Spell discloses further comprising the step of: providing the traffic information in a bit pattern in a header of a data packet **(decision system 314 obtains header information of packets to identify the type of stream; col 7 lines 10-16).**

Regarding **claim 5** Spell discloses further comprising the step of: providing an indication in the bit pattern of a plurality of transmission channels to be additionally offered **decision system 314 obtains header information of packets to identify the type of stream, to determine whether to add an ISDN B channel; col 7 lines 10-32).**

Regarding **claim 6** Spell discloses further comprising the step of: communicating the traffic information by a data packet having an exclusive signaling function **(initial communication between client 114 and server 112 is through an ISDN D channel, which is a low bandwidth signaling channel; col 5 lines 36-55).**

Regarding **claim 7** Spell discloses further comprising the step of: influencing, by a data packet separately identified with a traffic information, a charge assessment of said at least one additionally offered transmission channel **(an ISDN B channel is utilized depending on the type of data traffic used between the client and server. If a B**

Art Unit: 2662

**channel is used, the user will be charged for the amount of time the B channel was utilized; col 6 lines 30-40).**

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to show the state of the art with respect to bandwidth reservation:

US Patent (5,951,637) to Kuzma

The following patents are cited to show the state of the art with respect to bandwidth utilization between voice and packet networks:

US Patent (6,643,262) to Larsson et al

US Patent (6,377,554) to Farnsworth et al

US Patent (6,343,073) to Mashinsky

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan Nguyen whose telephone number is 703-305-0369.


The examiner can normally be reached on 9am-6pm ET, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 703-305-4744. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Art Unit: 2662

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AVN  
July 19, 2004



**JOHN PEZZLO**  
**PRIMARY EXAMINER**